



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-98-4772

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: November 17, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate one one-way cargo charter flight from Philadelphia, PA, to Moffett Field, CA, during the period November 22-30, 1998, using its AN-124 aircraft, to transport one outsized telecommunications satellite and related equipment on behalf of Lockheed Martin Missiles & Space. Antonov stated that the satellite was in production at Lockheed Martin's New Jersey plant, that production was behind schedule because of unexpected production problems, and that Lockheed Martin planned to complete certain work on the satellite at its California plant before shipping the completed satellite to Kazakhstan. It stated that in order to complete production and to meet the scheduled launch date, the unfinished satellite had to be transported to the California plant by air.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

DISPOSITION

Action: Approved

Action date: November 19, 1998

Effective dates of authority granted: November 22-30, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions, and to the condition that Antonov comply with an FAA-approved flight routing for the authorized flight

Action taken by: CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs